Claims 1-10 are pending in the application. In the non-final Office Action dated April 20, 2006, the Examiner made the following disposition:

A.) Objected to the drawings.

B.) Objected to the specification.

C.) Objected to claims 4 and 8.

D.) Rejected claims 1-10 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Kapitanski, et al. (U.S. Patent No. 6,912,539)("Kapitanski")* in view of *Williams (U.S. Patent No. 6,591,272)("Williams")*.

Applicant addresses the Examiner's disposition below.

A.) Objection to the drawings:

The specification at page 9, line 22, has been amended to describe that the file server 150 includes a file server storage 154. File server storage 154 is also disclosed, for example, in Figures 1, 18, and 19. Figure 1 has also been amended to include a legend for some of the item labels.

Figure 2 has been amended to delete items 244 and 264. Figure 2 has also been amended to include a legend for some of the item labels.

Figure 6 has been amended to replace item --614-- with item --612--, item --616-- with item --614--, and item --618-- with item --616--.

Figure 9 has been amended to include a textual description.

Figure 18 has been amended to replace item --152-- with item --150--.

Figure 19 has been amended to replace item --152-- with item --150--.

Please replace the drawing sheets for Figures 1, 2, 6, 9, 18, and 19 with the replacement drawing sheets attached to the Submission of Corrected Drawings submitted herewith.

Additional amendments have been made to the specification, as described below in Section B, to correct informalities and to overcome the Examiner's objections to the drawings.

These amendments are made as per the Examiner's request to overcome the objections and to correct informalities.

No new matter is introduced by the amendments made herein.

On page 4, paragraph 3, of the Office Action of 4/20/2006, the Examiner required that the

first, second, third, and fourth data formats of claims 1-10 be shown in the drawings. Applicant respectfully submits that additional drawing elements are not necessary for understanding this claimed subject matter. 35 U.S.C. 113; *See, also,* MPEP 608.02. Receipt of multiple data instances is shown, for example, in Figures 25 and 26. As the formats of the data instances are merely formats of the already-shown data instances, Applicant submits that the formats do not need to be shown for better understanding of the claims.

On page 4, paragraph 3, of the Office Action of 4/20/2006, the Examiner required that the conversion step of claims 1-10 be shown in the drawings. Applicant respectfully submits that additional drawing elements are not necessary for understanding this claimed subject matter. 35 U.S.C. 113; *See, also,* MPEP 608.02. Receipt of multiple data instances is shown, for example, in Figures 25 and 26. Receipt and processing of multiple data instances is shown, for example, in Figures 25 and 26. Applicant could submit an additional flow diagram having a single conversion step, however, Applicant submits this would not be necessary for understanding the claimed subject matter.

Applicant respectfully submits the objections have been overcome and requests that it be withdrawn.

B.)   Objection to the specification:

The abstract of the disclosure has been amended as per the Examiner's request to overcome the objection.

The specification at page 21, line 21, has been amended to change the first occurrence of "step 622" to "step 620."

The specification at page 24, line 17, has been amended to label the text associated with "step 710," which is also identified in Figure 7.

The specification at page 25, line 2, has been amended to change "step 720" to "step 716."

The specification at page 27, line 16, has been amended to label the client module API as item 1002, which is also identified in Figure 10.

The specification at page 37, line 16, has been amended to replace item --152-- with item --150--.

The paragraph beginning at page 44, line 24, has been amended as per the Examiner's request

to correct a typographical error and to overcome the objection.

The specification at page 44, line 34, has been amended to delete "a draws."

The paragraph beginning at page 45, line 7, has been amended to correct a typographical error.

The specification at page 45, line 16, has been amended to change "Firs" to "First."

The specification at page 45, line 33, has been amended to change "Its" to "It."

The specification at page 46, line 15, has been amended to change "step 2606" to "step 2602."

The specification at page 47, line 21, has been amended to change "intellectual" to "intellectual capital."

Applicant respectfully submits the objection has been overcome and requests that it be withdrawn.

C.)   Objection to claims 4 and 8:

Claims 4 and 8 have been amended as per the Examiner's request to overcome the objection.

Applicant respectfully submits the objection has been overcome and requests that it be withdrawn.

D.)   Rejection of claims 1-10 under 35 U.S.C. §103(a) as allegedly being unpatentable over _Kapitanski, et al. (U.S. Patent No. 6,912,539)("Kapitanski")_ in view of _Williams (U.S. Patent No. 6,591,272)("Williams")_:

Applicant respectfully traverses the rejection.

Applicant's independent claims 1, 5, 9, and 10 each claim subject matter relating to asynchronously receiving a data instance in a first format and asynchronously receiving a copy of the data instance in a second format, which is different than the first format. A datatype of a third format is provided for the data instance and the copy of the data instance.

Each datatype has a metadata in the third format that describes the respective data instance and a reference in the third format to the respective data instance. The data instances are maintained separately from the datatypes. Thus, the reference to the data instance in the metadata can be used to located the data instance. The third format is recognizable to a subscriber of the data instances to

enable the subscriber to concurrently process the data instance in the first format and the copy of the data instance in the second format. The data instance in the first format is converted to the second format.

This is clearly unlike *Kapitanski* in view of *Williams*. The Examiner argues that *Kapitanski* discloses asynchronously receiving a data instance in a first format and a copy of the data instance in a second format. Applicant respectfully disagrees. To begin with, nowhere does *Kapitanski* suggest asynchronously receiving a data instance. The Examiner argues that *Kapitanski* 5:60-65 discloses asynchronous communication, however, that passage makes no such teaching. Instead, *Kapitanski* 5:60-65 merely teaches that a user enters <u>commands</u> via a user interface that are processed one at a time. This is clearly related to <u>synchronous</u> communication, not asynchronous communication. And that passage relates to receiving a user's commands, not a data instance and a copy of the data instance. *Williams* also fails to disclose or suggest asynchronously receiving data instances. Thus, for at least this reason, *Kapitanski* in view of *Williams* fails to disclose or suggest Applicant's claimed invention.

Further, contrary to the Examiner's arguments, *Kapitanski* fails to disclose or suggest converting an asynchronously received data instance from one format to another. Instead, *Kapitanski* clearly teaches how to convert database <u>commands</u> from one language to another. *Kapitanski* Abstract. This is unrelated to converting an asynchronously received data instance from one format to another.

As acknowledged by the Examiner, *Kapitanski* also fails to disclose Applicant's claimed subject matter relating to Applicant's claimed datatype and its metadata. *Kapitanski* in view of *Williams* also fails to disclose or suggest this claimed subject matter. As discussed above, *Kapitanski* relates to converting database commands from one format to another. On the other hand, *Williams* relates to translating database entries into objects. Applicant respectfully submits the subject matter presented in each cited references is unrelated to one another. One having skill in the art would not have been motivated to combine *Kapitanski* with *Williams* to attempt to disclose or suggest the claimed invention.

For at least the reasons discussed above, *Kapitanski* in view of *Williams* fails to disclose or suggest claims 1, 5, 9, and 10.

Claims 2-4 and 6-8 depend directly or indirectly from claim 1 or 5 and are therefore

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allowable for at least the same reasons that claims 1 and 5 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-10 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,
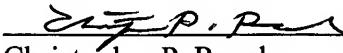
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<u>IN THE DRAWINGS</u>

Please replace the drawing sheets for Figures 1, 2, 6, 9, 18, and 19 with the replacement drawing sheets attached to the Submission of Corrected Drawings submitted herewith.